

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 170, “Child Care Services,” Iowa Administrative Code.

These amendments:

- Enable families to regain Child Care Assistance eligibility after cancellation or denial of assistance when the required information is provided or the interview is completed within 14 days of cancellation or denial. Similar changes are being made in the Food Assistance, Family Investment, Medicaid, HAWK-I, and IowaCare programs to streamline eligibility determination.
- Specify that a family cannot receive Child Care Assistance before the date of application or the date the need for child care services begins, whichever is later. Since families receiving assistance through the Family Investment Program do not have to file a formal application, the effective date of Child Care Assistance shall be the latest of the effective date of Family Investment Program assistance, 30 days before the date the family requested Child Care Assistance, or the date the need for child care services begins.
- Clarify existing policy and practice on application forms and time frames and on documenting the need for protective child care.
- Update or delete outdated language and references, including the requirement that a provider develop an individual program plan for a child whose need for care is protective.

These amendments do not provide for waivers in specified situations. A grace period for reestablishing eligibility without an application after denial or cancellation is beneficial to applicants and recipients. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before November 24, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 237A.13.

The following amendments are proposed.

ITEM 1. Amend rule **441—170.1(237A)**, definition of “Child with protective needs,” as follows:

“*Child with protective needs*” means a child who ~~is not in foster care and has a case plan file that identifies protective child care as a required service and who is a member of a family with one of the following:~~ safety or well-being need to prevent or alleviate the effects of child abuse or neglect. Child care is provided as part of a safety plan during a child abuse or child in need of assistance assessment or as part of the service plan established in the family’s case plan. The child must have:

1. ~~A confirmed case of~~ An open child abuse assessment; -
2. ~~Episodes of family or domestic violence or substance abuse which place the child at risk of abuse or neglect and have resulted in a service referral to family preservation or family-centered services.~~ An open child in need of assistance assessment;
3. An open child welfare case as a result of a child abuse assessment;
4. A petition on file for a child in need of assistance adjudication; or
5. Adjudication as a child in need of assistance.

ITEM 2. Amend subparagraph **170.2(1)“d”(10)** as follows:

(10) The value of the food assistance allotment under the Food ~~Stamp~~ and Nutrition Act of 1964 2008.

ITEM 3. Amend subparagraph **170.2(2)“b”(3)** as follows:

(3) The parent has a child with protective needs for child care as part of a protective service plan to prevent or alleviate child abuse or neglect.

ITEM 4. Amend rule 441—170.3(237A,239B) as follows:

441—170.3(237A,239B) Application and determination of eligibility.

170.3(1) Application process.

a. Application for child care assistance may be made at any local office of the department on:

(1) Form 470-3624 or 470-3624(S), Child Care Assistance Application, ~~or~~

(2) Form 470-0462 or 470-0466, Health and Financial Support Application-, or

(3) Form 470-4377 or 470-4377(S), Child Care Assistance Review, when returned after the end of the certification period.

b. No change.

c. The date of application is the date a signed application form containing a legible name and address is received in the department office. An electronic or paper application delivered to a closed office is considered to be received on the first day following the day the office was last open that is not a weekend or state holiday.

d. No change.

170.3(2) Exceptions to application requirement. ~~Applications are~~ An application is not required for:

a. No change.

b. Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients. The date of application is the date the family requests child care assistance from the department.

c. ~~Families~~ A child with protective ~~service~~ needs.

d. No change.

e. Families whose application has been denied for failure to provide requested information who have provided all necessary information to determine eligibility within 14 days of the denial of the application, or by the next working day if the fourteenth day falls on a weekend or state holiday.

170.3(3) Application processing. The department shall approve or deny an application as soon as possible, but no later than 30 days following the date the application was received. This time limit shall apply except in unusual circumstances, such as when the department and the applicant have made every reasonable effort to secure necessary information that has not been supplied by the date the time limit expires, or because of emergency situations, such as fire, flood or other conditions beyond the administrative control of the department.

a. No change.

b. The department shall issue a written notice of decision to the applicant by the next working day following a determination of eligibility. ~~EXCEPTION: When the court orders services, the court order provided by the court and the case plan provided by the department shall serve as written notification.~~

c. The effective date of assistance shall be the date of application or the date the need for service began, whichever is later. When an application is not required as described under subrule 170.3(2), the effective date shall be as follows:

(1) For a person participating in activities under the PROMISE JOBS program, the effective date of child care assistance shall be the date the person becomes a PROMISE JOBS participant as defined in rule 441—93.1(239B) or the date the person has a need for child care assistance to participate in an approved PROMISE JOBS activity as described in 441—Chapter 93, whichever is later.

(2) For a family receiving family investment program benefits, the effective date of child care assistance shall be no earlier than the effective date of family investment program benefits, or 30 days

before the date of application for child care assistance, or the date the need for service began, whichever is the latest.

(3) For a family with protective service needs, the effective date of assistance shall be the date the family signs Form 470-0615 or 470-0615(S), Application for All Social Services.

(4) When child care services are provided under a court order, the effective date of assistance shall be the date specified in the court order or the date of the court order if no date is specified.

(5) For a family whose application was denied for failure to provide requested information but who provides all information necessary to determine eligibility, including verification of all changes in circumstances, within 14 days of the denial, the effective date of assistance shall be the date that all information required to establish eligibility is provided. If the fourteenth calendar day falls on a weekend or state holiday, the family shall have until the next business day to provide the information.

170.3(4) No change.

170.3(5) Review and redetermination. The department shall redetermine a family's financial and general eligibility for child care assistance at least every six months. EXCEPTION: The department shall redetermine only general eligibility for recipients of the family investment program (FIP) and for those whose earned income was taken into account in determining the needs of FIP recipients, because these people are deemed financially eligible so long as the FIP eligibility continues.

a. No change.

b. The department shall use information gathered on Form 470-4377 or 470-4377(S), Child Care Assistance Review, to redetermine eligibility.

(1) The department shall issue a notice of expiration for the child care assistance certification period in on Form 470-4377 or 470-4377(S).

(2) If the family does not return the a complete review form to the department by the end of the certification period, the family must reapply for benefits, except as provided in paragraph 170.3(6) "b." A complete review form is Form 470-4377 or 470-4377(S) with all items answered that is signed and dated by the applicant and is accompanied by all verification needed to determine continued eligibility.

170.3(6) Reinstatement.

a. Assistance shall be reinstated without a new application when all necessary information is provided before the effective date of cancellation and eligibility can be reestablished. If there is a change in circumstances, the change must be verified before the case will be reinstated.

b. Assistance shall be reinstated without a new application when the case was canceled for failure to provide requested information but all information necessary to determine eligibility, including verification of all changes in circumstances, is provided within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the family shall have until the next business day to provide the information. The effective date of child care assistance shall be the date that all information required to establish eligibility is provided.

ITEM 5. Amend subrule 170.4(1) as follows:

170.4(1) Case plan file. ~~The child welfare case plan file shall be developed by the department service worker and contain information described in 441—subrule 130.7(2), when the child meets document the need eligibility~~ for service under 170.2(2) "b"(3).

ITEM 6. Rescind and reserve subrule **170.4(6)**.

ITEM 7. Amend paragraph **170.5(2)"c"** as follows:

c. There is another ~~community~~ resource available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers; or

ITEM 8. Amend paragraph **170.5(3)"e"** as follows:

e. Another ~~community~~ resource is available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers; or

ITEM 9. Amend paragraph **170.5(4)“b”** as follows:

b. Another ~~community~~ resource is available to provide the same or similar service free of charge that will meet the client's needs and allow parents to select from the full range of eligible providers; or